

**MINUTES**  
*Arizona Supreme Court*  
**Tuesday, May 26, 2015**

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No. 4615

**CR-14-0381-PR**

(1)

**STATE OF ARIZONA v ESLYN ADRIAN VILLA**

*Court of Appeals, Division Two*

*2 CA-CR 13-0442*

ORDERED: Motion for Order, Pro Se = DENIED.

FURTHER ORDERED: Petition for Review, Pro Se (Rule 31.19) Petitioner's Opening Brief = DENIED.

**CR-14-0389-PR**

(2)

**STATE OF ARIZONA v VICTOR MANUEL CABALLERO**

*Court of Appeals, Division Two*

*2 CA-CR 14-0055*

ORDERED: Petition for Review = DENIED.

**CR-14-0392-PR**

(3)

**STATE OF ARIZONA v VICTOR ABRAHAM MARTINEZ JR**

*Court of Appeals, Division One*

*1 CA-CR 13-0107*

ORDERED: Petition for Review = DENIED.

Justices Berch and Timmer voted to grant review.

**CR-14-0395-PR**

(4)

**STATE OF ARIZONA v MANUEL BUSTAMANTE JR**

*Court of Appeals, Division One*

*1 CA-CR 13-0657*

ORDERED: Appellant Manuel Bustamante, Jr.'s Petition for Review = DENIED.

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**CR-14-0396-PR**  
(5)

**STATE OF ARIZONA v MARCO ANTHONY GLASER**

*Court of Appeals, Division Two*

*2 CA-CR 14-0290 PRPC*

ORDERED: Petition for Review = DENIED.

**CV-14-0261-PR**  
(6)

**AMERICAN POWER PRODUCTS INC et al v CSK AUTO INC**

*Court of Appeals, Division One*

*1 CA-CV 12-0855*

ORDERED: Petition for Review of a Decision of the Court of Appeals = GRANTED on the issue of whether the superior court abused its discretion in denying the motion for new trial without first holding an evidentiary hearing to determine whether an ex parte communication between the bailiff and the jury was improper and prejudicial.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 40 days from the date of this Court's Minute Letter.

**CV-14-0296-PR**  
(7)

**STATE v HON. KARP/VORIS**

*Court of Appeals, Division One*

*1 CA-CV 13-0599*

ORDERED: Petition for Review = DENIED.

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**CV-14-0312-PR**  
(8)

**JOHN CHRISTAKIS v MORTGAGE ELECTRONIC**  
*Court of Appeals, Division Two*                      *2 CA-CV 13-0127*

ORDERED: Petition for Review (Final Draft) = DENIED.

**CV-14-0320-PR**  
(9)

**KARA D HELLAND V STEVEN W HELLAND**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0227 FC*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant/Cross-Appellee K. Helland) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee/Cross-Appellant S. Helland) = DENIED.

**CV-14-0326-PR**  
(10)

**JANET HOPKINS v LUIS PUIG/CELIA SOTO**  
*Court of Appeals, Division Two*                      *2 CA-CV 14-0015*

ORDERED: Appellant's Petition for Review = DENIED.

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**CV-15-0004-PR**  
(11)

**GISELA CHONCZYNSKI et vir v AGUILERA et ux**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0728*

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Aguilera) = DENIED.

**CV-15-0019-PR**  
(12)

**DBT YUMA LLC et al v YUMA COUNTY AIRPORT et al**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0645*

ORDERED: Petition for Review = GRANTED on the issue of whether the superior court properly granted summary judgment in favor of Yuma County.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 40 days from the date of this Court's Minute Letter.

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**CR-14-0277-PC**  
(13)

**STATE OF ARIZONA v HOMER RAY ROSEBERRY**  
*Yavapai County Superior Court*                      *CR 20010177*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review (on Denial of Post-Conviction Relief) = GRANTED as to Issue A only.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

**CR-14-0376-PR**  
(14)

**STATE OF ARIZONA v PAUL JOSEPH KELSO**  
*Court of Appeals, Division Two*                      *2 CA-CR 13-0516*

ORDERED: Petition for Review Pursuant to Rule 31.19 = DENIED.

**CR-14-0405-PR**  
(15)

**STATE OF ARIZONA v SUFYAN SAFWAN TALIBUDDIN**  
*Court of Appeals, Division One*                      *1 CA-CR 12-0670*  
   *1 CA-CR 13-0929*

ORDERED: Petition for Review = DENIED.

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**CR-14-0426-PR**  
(16)

**STATE OF ARIZONA v EARL BALL**

*Court of Appeals, Division Two*

*2 CA-CR 14-0317 PRPC*

ORDERED: Petition for Review = DENIED.

**CR-15-0023-PR**  
(17)

**STATE OF ARIZONA v FREDDIE RICHARD CRESPIN**

*Court of Appeals, Division Two*

*2 CA-CR 14-0254 PRPC*

ORDERED: Motion for Leave to File Reply (to Response to Petition for Review)  
= GRANTED.

FURTHER ORDERED: Petition for Review by Supreme Court = DENIED.

Vice Chief Justice Pelander and Justice Berch voted to grant review.

**CV-14-0300-PR**  
(18)

**JO SAINT-GEORGE et vir v MAYO CLINIC ARIZONA et al**

*Court of Appeals, Division One*

*1 CA-CV 13-0335*

ORDERED: Amended Petition For Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Mayo Clinic  
Arizona et al) = GRANTED.

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**CV-14-0337-PR**  
(19)

**TIMOTHY MCKEE v PEORIA UNIFIED SCHOOL DISTRICT**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0374*

ORDERED: Petition for Review = DENIED.

**CV-14-0341-PR**  
(20)

**SUSAN SZIGETI v MARANA HEALTH CENTER**  
*Court of Appeals, Division Two*                      *2 CA-CV 14-0054*

ORDERED: Appellant's Petition to Review = DENIED.

**CV-15-0015-PR**  
(21)

**ANDRE MAESTAS v HON. FINK/STATE**  
*Court of Appeals, Division One*                      *1 CA-SA 14-0245*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: The stay previously entered is dissolved.

Justices Berch and Timmer voted to grant review.

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**CV-15-0089-PR**  
(22)

**DEBRA ARRETT/SHIRLEY LAMONNA v JULIE BOWER/REAGAN**  
*Court of Appeals, Division Two*                      *2 CA-CV 15-0017*

ORDERED: Petition for Review (Special Election Matter Referendum) =  
DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Arrett/Lamonna)  
= DENIED.

**CR-14-0315-PR**  
(23)

**STATE OF ARIZONA v STEVEN FREDERICK SKINNER**  
*Court of Appeals, Division One*                      *1 CA-CR 11-0585*

ORDERED: Petition For Review = DENIED.

Justice Brutinel did not participate in the determination of this matter.

**CR-14-0411-PR**  
(24)

**STATE OF ARIZONA v AARON TODD COKER**  
*Court of Appeals, Division Two*                      *2 CA-CR 13-0551*

ORDERED: Petition for Review = DENIED.

**CR-14-0422-PR**  
(25)

**STATE OF ARIZONA v GEORGE FRANKLIN APOLINAR**  
*Court of Appeals, Division Two*                      *2 CA-CR 14-0305 PRPC*

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.



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**CR-14-0429-PR**  
(26)

**STATE OF ARIZONA v GLENN LEO GAGNON**

*Court of Appeals, Division Two*

*2 CA-CR 14-0118*

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

**CV-15-0002-PR**  
(27)

**MARC A WICHANSKY v DAVID T ZOWINE**

*Court of Appeals, Division One*

*1 CA-CV 13-0137*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant/Cross-Appellee Wichansky) = DENIED.

**CV-15-0007-PR**  
(28)

**ADELBERTO FARIAS v HON. NICHOLS/STATE**

*Court of Appeals, Division Two*

*2 CA-SA 14-0074*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Petitioner Farias) = DENIED.

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**CV-15-0022-PR**  
(29)

**KCI RESTAURANT MANAGEMENT LLC v HOLM HYDE et al**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0430*

ORDERED: Motion for Review of Award of Attorney Fees (in Court of Appeals)  
= DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CV-15-0028-PR**  
(30)

**DIANE MERRILL v ROBERT KEITH MERRILL**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0649 FC*

ORDERED: Diane Merrill's Petition for Review = GRANTED as to the following issues (1) whether the Court of Appeals erred in concluding that A.R.S. § 25-318.01 (2014) applies because Wife sought to modify the decree; and (2) If so, does the statute retroactively impair Wife's vested rights.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 60 days from the date of this Court's Minute Letter.

FURTHER ORDERED: The Court will set a date for oral argument, if any, after the filing of supplemental briefs.

FURTHER ORDERED: Request for Attorneys' Fees for Petition for Review (Appellee D Merrill) = CONTINUED.

FURTHER ORDERED: Request that Attorneys' Fees Award in the 2013 Judgment be Re-Instated (Appellee D Merrill) = CONTINUED.

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**CV-15-0044-PR**  
(31)

**LINDSAY R./SAMANTHA R. et al v HON. COHEN/MEYN**  
*Court of Appeals, Division One*                      *1 CA-SA 14-0186*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

**CR-14-0393-PR**  
(32)

**STATE OF ARIZONA v SANTIAGO RENE RODRIGUEZ**  
*Court of Appeals, Division Two*                      *2 CA-CR 13-0561*

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

**CR-14-0409-PR**  
(33)

**STATE OF ARIZONA v ROBIN PAT WILL**  
*Court of Appeals, Division Two*                      *2 CA-CR 14-0256 PRPC*

ORDERED: Defendant's Petition for Review Under AZRCRP 32.9(c) = DENIED.

**CR-15-0003-PR**  
(34)

**STATE OF ARIZONA v BRIAN ODELL HOPSON**  
*Court of Appeals, Division One*                      *1 CA-CR 13-0369 PRPC*

ORDERED: Petition for Review by Arizona Supreme Court of Court of Appeals Decision (PCR) = DENIED.

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**CR-15-0012-PR**  
(35)

**STATE OF ARIZONA v ERIC JAMES COULTER**

*Court of Appeals, Division One*

*1 CA-CR 13-0319*

ORDERED: Petition for Review = DENIED.

**CR-15-0063-PR**  
(36)

**STATE OF ARIZONA v JOSE RAUL JUAREZ-ORCI**

*Court of Appeals, Division Two*

*2 CA-CR 13-0513*

ORDERED: The State of Arizona's Petition for Review = DENIED.

**CV-14-0303-PR**  
(37)

**DARRAH v HON. MCCLENNEN/MESA**

*Court of Appeals, Division One*

*1 CA-SA 14-0054*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = CONTINUED.

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**CV-14-0313-PR**  
(38)

**DOBSON/ANDERSON v HON. MCCLENNEN/MESA PROSECUTOR**

*Court of Appeals, Division One*

*1 CA-SA 14-0168*

*1 CA-SA 14-0170*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 40 days from the date of this Court's Minute Letter.

**CV-14-0335-PR**  
(39)

**CORNERSTONE BANK v KOZUB HOLDINGS LLC/KOZUB**

*Court of Appeals, Division One*

*1 CA-CV 13-0355*

ORDERED: Appellants/Cross-Appellees Petition for Review = DENIED.

**CV-15-0023-PR**  
(40)

**STATE OF ARIZONA v HON. LEE/L.N.**

*Court of Appeals, Division Two*

*2 CA-SA 14-0057*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

Justice Berch voted to grant review.

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**CV-15-0030-PR**  
(41)

**SANDRA HOWELL v JOHN HOWELL**

*Court of Appeals, Division Two*

*2 CA-CV 14-0112*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 60 days from the date of this Court's Minute Letter.

FURTHER ORDERED: The Court will set a date for oral argument, if any, after the filing of supplemental briefs.

FURTHER ORDERED: Appellee Sandra Howell, pro per, did not file a brief in the court of appeals or a response to the petition for review. The Court would benefit from briefing and argument by counsel. If Appellee Sandra Howell desires representation, a volunteer lawyer may be available among those participating in the Court of Appeals Pro Bono Representation Program. If Appellee Sandra Howell seeks such representation, she may contact Kimberly A. Demarchi, the Division One Pro Bono Coordinator for the Arizona Court of Appeals, at (602) 262-5728, by June 15, 2015. If volunteer counsel agrees to represent Sandra Howell, such counsel shall promptly file a notice of appearance.

**CV-15-0033-PR**  
(42)

**ERNIE LUNA JR v ICA/PIMA/TRISTAR RISK MANAGEMENT**

*Court of Appeals, Division Two*

*2 CA-IC 13-0021*

ORDERED: Petition for Review = CONTINUED.

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**CV-15-0035-PR**  
(43)

**MARY JANE KNOX v STEPHEN EDGAR KNOX**  
*Court of Appeals, Division Two*                      2 CA-CV 08-0089

ORDERED: Petition for Review = DENIED.

**CV-15-0085-PR**  
(44)

**MIRIAM HAYENGA v PAUL GILBERT et al**  
*Court of Appeals, Division One*                      1 CA-CV 13-0489

ORDERED: Appellees' Petition for Review = DENIED.

**CR-14-0263-PR**  
(45)

**STATE OF ARIZONA v LELAND JOSEPH JACOT**  
*Court of Appeals, Division One*                      1 CA-CR 13-0638

ORDERED: Petition for Review to Arizona Supreme Court = CONTINUED.